

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 16109 of St. John's Church, pursuant to 11 DCMR 3108.1, for a special exception under Section 205 to establish a child development center of 36 children and 5 part-time staff on the second floor of a church building in an R-3 District at premises 3240 O Street, N.W. (Square 1231, Lot 144).

HEARING DATE: April 17, 1996  
DECISION DATE: April 17, 1996 (Bench Decision)

SUMMARY ORDER

The Board provided proper and timely notice of public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 2E and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 2E. ANC 2E, which is automatically a party to the application, submitted a written statement in support of the application.

As directed by 11 DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a special exception pursuant to 11 DCMR 205. No person or entity appeared at the public hearing in opposition to the application or otherwise requested to participate as a party in this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3108, and that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. It is therefore **ORDERED** that the application is **GRANTED**, **SUBJECT** to the following **CONDITIONS**:

1. Approval shall be for a period of five years
2. The child development center shall operate from 8:30 a.m. to 1:30 p.m., Monday through Friday, and from September to June.
3. The maximum number of students shall be 36, ages two and one-half to five years.


4. The maximum number of staff shall be seven.
5. Drop-off and pick-up of children shall occur on Potomac Street. A staff person shall be present to receive the children as they are dropped off.
6. All deliveries shall coincide with deliveries made to St. John's Church.
7. Trash shall be picked up at least twice per week.
8. Outdoor play shall be in the fenced yard of the church rectory and the Hyde Playground when not in use by the school.
9. Efforts shall be made to reduce the demand for parking by encouraging staff to walk, to use public transportation or the applicant to arrange for off-street parking in the Georgetown community.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is appropriate in this case.

VOTE: 5-0 (Herbert M. Franklin, Angel F. Clarens, Sheila Cross Reid, Susan Morgan Hinton and Laura M. Richards to grant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
MADELIENE H. DOBBINS  
Director

FINAL DATE OF ORDER: \_\_\_\_\_

MAY 17 1996

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

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UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on MAY 17 1996 a copy of the order entered on that date in this matter was mailed postage prepaid to each person who appeared and participated in the public hearing concerning this matter, and who is listed below:

Jacques B. DePuy, Esquire  
Greenstein, DeLorme and Luchs, P.C.  
1620 L Street, N.W., Suite 900  
Washington, D.C. 20036

Tom Cooke, Senior Warden  
c/o St. John's Church  
3429 O Street, N.W.  
Washington, D.C. 20007

Mr. Rod Johnston, Chairperson  
Advisory Neighborhood Commission 2E  
3265 S Street, N.W.  
Washington, D.C. 20007

A handwritten signature in cursive script, reading "Madeline H. Dobbins". The signature is written in dark ink and is positioned above a horizontal line.

MADELIENE H. DOBBINS  
Director

Date: MAY 17 1996